IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.285 OF 2025

Harshad Maruti Dhumal and Another ...Applicants

Versus

The State of Maharashtra and Another ...Respondents

WITH
INTERIM APPLICATION NO.1328 OF 2025
IN
CRIMINAL APPLICATION NO.285 OF 2025

Nanaji Vithoba Mahale ...Applicant

In the matter between:-

Harshad Maruti Dhumal and Another ...Applicants

Versus

The State of Maharashtra and Another ...Respondents

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Mr.Hasanuddin S. Ansari a/w Mr.Nilesh Jaiswal–Advocates for Applicants in Criminal Application No.285 of 2025.

Mr.J.P.Yagnik–APP for Respondent No.1–State.

Mr.Daryl Lobo i/b. Mr.Akash Palsamkar–Advocate for Applicant in Interim Application No.1328 of 2025 and for Respondent No.2 in Criminal Application No.285 of 2025.

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CORAM : SARANG V. KOTWAL & S.M.MODAK, JJ.

DATE : 9th APRIL 2025

P.C. :

1. This Application is filed for quashing of the F.I.R. registered vide C.R. No.155 of 2024 at Kalachowki Police Station under Sections 419, 420, 467, 468, 471 of the Indian Penal Code, 1860 ("**IPC**") and under Sections 66(C), 66(D) of the Information Technology Act, 2000 ("**IT Act**"). The F.I.R. is lodged by the Respondent No.2. He has stated that he had retired from Bharat Petroleum Corporation Limited ("**BPCL**") in March-2021. He was to get shares from BPCL company for which he had to open a Demat account. In 2021, when he was travelling in a bus, he met the Petitioner No.1 who told the informant that he was working in the share market. During the conversation, the informant told him that he wanted to open a Demat account. The Applicant No.1 told to help him. He came to the informant's house and opened the Demat account. The BPCL company deposited 4000 shares in that Demat account worth Rs.9,00,000/- (Rupees Nine Lakh) on 23rd April 2021. At the time of opening the Demat account, the Applicant No.1 was working with M/s.SMIFS Limited. When the informant stopped getting the dividends, he went to the Office of SMIFS Limited. He came to know that his shares were sold on 24th February 2023. The transaction was conducted through SMIFS Limited.

On further enquiries, the informant was told that the said company had got permission from a particular Gmail account. That e-mail account was of the First-Informant's son. It was realised that the Petitioner No.1 had used the password of that e-mail which was known to him as he was handling the Demat account and was knowing the password. The shares were siphoned off.

On these allegations, the F.I.R. was lodged.

2. Now, the matter is settled between the parties. The Petitioner No.1 had deposited Rs.9,00,000/- (Rupees Nine Lakh) in this Court at the time of getting anticipatory bail in connection with this subject matter. That amount is still lying in this Court. The Petitioner No.1 has preferred an Interim Application No.1328 of 2025 in the present Criminal Application No.285 of 2025 in which the prayer is made to direct the Registry of this Court to remit the amount of Rs.9,00,000/- (Rupees Nine Lakh) deposited in Anticipatory Bail Application NO.3055 of 2024 by the Applicant No.1 vide the order dated 29th November 2024. It is requested to be remitted to the Bank account of the Respondent No.2 i.e. the First-Informant. In the said Interim Application, the

Respondent No.2 i.e. the First-Informant has filed an "Affidavit of consent" wherein it is mentioned that he has received a demand draft of Rs.4,56,000/- (Rupees Four Lakh Fifty Six Thousand) dated 20th February 2025 and he was expecting the amount of Rs.9,00,000/- (Rupees Nine Lakh) deposited by the Applicant No.1 in this Court.

3. In this situation, the Respondent No.2 – First Informant has recorded his "No objection" for quashing of the F.I.R. The informant is present in the Court. He reiterated the contents of the Affidavit filed in the Interim Application. He has stated before the Court, that he is satisfied with the arrangement and that, he has no objection for quashing of the proceedings. He prayed that the amount deposited by the Applicant No.1 be remitted back to him as is the prayer made by the Applicant No.1 himself in the Interim Application.

4. Considering that the dispute between the parties was purely personal in nature, the Applicant No.1 was working with the SMIFS Limited, the major role was played by the Applicant No.1, he has returned major portion of the amount lost by the informant. According to the Affidavit and as per the informant himself, he is satisfied with the arrangement and he

has no objection for quashing of the F.I.R. and the further proceedings. Hence, following order:-

O R D E R

(i) The F.I.R. registered vide C.R. No.155 of 2024 at Kalachowki Police Station is quashed and set aside.

(ii) The Registry of this Court shall remit the amount of Rs.9,00,000/- (Rupees Nine Lakh) with the accrued interest deposited by the Applicant No.1 and mentioned hereinabove to the Respondent No.2 – First Informant – Nanaji Vithoba Mahale.

5. With these observations, both these Applications are disposed of.

(S.M.MODAK, J.) **(SARANG V. KOTWAL, J.)**